

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JOEL B. MONTGOMERY, et al.,

Plaintiff, : Case No. 3:07-cv-470

-vs- : District Judge Thomas M. Rose  
MARY L. SANDERS, et al., Magistrate Judge Michael R. Merz

Defendant.

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**ORDER STRIKING MOTION TO COMPEL**

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This case is before the Court on Plaintiff's Motion to Compel (Doc. No. 53). Additional motion papers are found at Doc. Nos. 55 and 56.

Upon examination, the Court finds that both the Motion to Compel and the Reply Memorandum in support are not signed by the trial attorney in this case, R. Mark Henry. In fact, Mr. Henry is included as a person served in Mr. Podlaski's Certificate of Service on both documents. Upon further examination, the Court finds that many of the prior filings in the case on behalf of Plaintiff are signed only by Mr. Podlaski, and not by Mr. Henry.

All papers filed on behalf of a party in this Court are to be signed by that party's trial attorney. S. D. Ohio Civ. R. 83.5(a). Although Mr. Podlaski has been admitted *pro hac vice*, such admission does not entitle him to act as Plaintiff's trial attorney in this case. S. D. Ohio Civ. R. 83.4(a).

Accordingly, the Motion to Compel and the Reply Memorandum in Support are stricken. The Court is moved to enforce the trial attorney rule strictly in this case because of the tone of the two referenced documents. At the same time, the Magistrate Judge is concerned about the lack of

expedition in production of documents in the case and the conclusory references in the response of the United States to security matters. Counsel are urged to work cooperatively, with Mr. Henry's active involvement, to resolve the present impasse. If it cannot be resolved cooperatively and speedily, Mr. Henry is invited to request a discovery conference with the Court.

July 24, 2009.

s/ **Michael R. Merz**

United States Magistrate Judge